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**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

FEDERAL TRADE COMMISSION,
 Plaintiff,

v.

DENNY LAKE (also d/b/a JD United,
 U.S. Crush, Advocacy Department,
 Advocacy Division, Advocacy
 Program, and Advocacy Agency);
 CHAD CALDARONELLO (a/k/a
 Chad Carlson and Chad Johnson),
 individually and as an officer of C.C.
 Enterprises, Inc.; C.C.
 ENTERPRISES, INC. (also d/b/a
 HOPE Services, Trust Payment
 Center, and Retention Divisions);
 DEREK NELSON (a/k/a Dereck
 Wilson), individually and as an officer
 of D.N. Marketing, Inc.; D.N.
 MARKETING, INC. (also d/b/a
 HAMP Services and Trial Payment
 Processing); BRIAN PACIOS (a/k/a
 Brian Barry and Brian Kelly); JUSTIN
 MOREIRA (a/k/a Justin Mason, Justin
 King, and Justin Smith),

Defendants, and
 CORTNEY GONSALVES,
 Relief Defendant.

FILED

APR 14, 2015

CENTRAL DISTRICT OF CALIFORNIA
 SOUTHERN DIVISION AT SANTA ANA
 BY MKU
 Deputy Clerk, U.S. District Court

UNDER SEAL

Case No. SACV 15-00585-CJC (JPRx)

**PLAINTIFF'S *EX PARTE*
 APPLICATION FOR
 TEMPORARY RESTRAINING
 ORDER WITH ASSET FREEZE,
 APPOINTMENT OF
 TEMPORARY RECEIVER,
 LIMITED EXPEDITED
 DISCOVERY, AND OTHER
 EQUITABLE RELIEF, AND
 ORDER TO SHOW CAUSE WHY
 PRELIMINARY INJUNCTION
 SHOULD NOT ISSUE**

[LODGED UNDER SEAL]

1 Pursuant to FRCP 65(b) and LR 7-19, Plaintiff Federal Trade Commission
2 (“FTC”) hereby applies *ex parte*, without notice to Defendants, for a Temporary
3 Restraining Order (“TRO”).

4 (1) As the FTC’s accompanying Memorandum details, this case involves
5 the theft of mortgage payments from at least 432 distressed homeowners already
6 facing foreclosure. Entering the Proposed *ex parte* TRO is the only way to protect
7 their legal right to restitution.


8 (2) Defendants Chad Caldaronello, C.C. Enterprises, Inc., Brian Pacios,
9 Justin Moreira, Derek Nelson, and D.N. Marketing, Inc. (collectively “the HOPE
10 Defendants”) are violating Section 5 of the FTC Act, 15 U.S.C. § 45(a)(1), the
11 Telemarketing Sales Rule (“TSR”), 12 C.F.R. Part 310, and the Mortgage Assistance
12 Relief Services (“MARS”) Rule, 16 C.F.R. Part 1015 (including, without
13 limitation, the MARS Rule’s advance fee ban, *see* 16 C.F.R. § 1015.5(a)). Also in
14 violation of the MARS Rule, Defendant Denny Lake substantially assists the
15 HOPE Defendants’ advance fee ban violations. *See id.* § 1015.6. Finally, the
16 HOPE Defendants transfer stolen funds to Relief Defendant Cortney Gonsalves
17 (HOPE Defendant Pacios’ girlfriend).

18 (3) As the accompanying Memorandum explains, the FTC is likely to
19 prevail against the Defendants, and the balance of the equities strongly favors the
20 requested relief.

21 (4) As the accompanying Memorandum also explains, *ex parte* relief
22 without notice (including an asset freeze and temporary receiver) are necessary for
23 numerous reasons, including that fraud permeates Defendants’ enterprise. The
24 evidence demonstrates a substantial likelihood that, if Defendants receive notice of
25 the FTC’s *ex parte* Application before a Temporary Receiver can take short-term
26 measures to preserve the *status quo*, Defendants will dissipate assets, conceal
27 funds, and destroy evidence.

1 (5) To stop ongoing unlawful conduct, to prevent further injury, and to
2 protect the victims' right to the restitution that the law permits, the FTC
3 respectfully requests that the Court grant its *ex parte* Application.
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JONATHAN COHEN
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FEDERAL TRADE COMMISSION

Executed on April 11, 2015 in Washington, D.C.